



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday October 16, 2013
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni – Deputy Director, Construction & Development Services
Mark Marinara - Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Joseph Chiarelli
Alderman Jeanne Oddo
Alderman Teena Newburg
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.

- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, October 28, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:45 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the September meeting as submitted. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

013-LTAB-038

Applicant
Ward 14

4770 East State Street

Zheng Wen Biao d/b/a Happy Wok
Sale of beer and wine by the drink in conjunction with a restaurant in a C-3,
General Commercial Zoning District
Laid Over from August & September Meetings

The subject property is located on the northwest corner of Flintridge and East State Street and is a tenant space in a shopping center. This item was Laid Over at the August and September meetings to allow the Applicant time to submit information of a compliance plan addressing landscaping, parking, signage and building design. Attorney Nathan Noble, and Zheng Wen Biao were present.

Attorney Noble stated Mr. Biao has operated at this location for approximately 6 years and would like to sell Chinese beer and wine at his establishment. He stated the existing sign does comply with the sign provisions. He explained that the security plan as stated in Staff's Report is not required; however, his client has submitted additional information. In reference to parking, Attorney Noble stated whatever is there is there, as this mall has been in existence for years. He further stated the applicant would attempt to get approval from the owner to add some green space, but since he is only the tenant this is not a likely achievement.

Attorney Cacciapaglia asked if client had plans to install gaming devices. Attorney Noble responded not at this time. She then explained to the Board that Staff is inclined to stay with their recommendation of Denial, but if the board chooses to approve she would like a condition applied that if gaming machines are installed the applicant needs to return before the Board for a Change Of Use.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

During Discussion, Dennis felt there were enough bars and liquor sales in this area. Mr. Roszkowski pointed out that changing the exterior is not within the realm of possibility because of the size of the property.

A **MOTION** was made by Scott Sanders to **DENY** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Zheng Wen Biao d/b/a Happy Wok in a C-3, General Commercial Zoning District at 4770 East State Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

013-LTAB-042

Applicant
Ward 10

4410 Charles Street

Joseph Pendergrass d/b/a Coco's Gaming & Slots
Sale of beer and wine by the drink in conjunction with video gaming and slots in a C-3, General Commercial Zoning District

The Applicant was not in attendance. Mr. Cagnoni stated that the Applicant had indicated he may not wish to follow through with this application; however, nothing in writing confirming that has been received. He explained to the Board that they had the option to either Lay Over the Item or to Dismiss.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **DISMISS** the sale of beer and wine by the drink in conjunction with video gaming and slots in the name of Joseph Pendergrass d/b/a Coco's Gaming & Slots in a C-3, General Commercial Zoning District at 4410 Charles Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

013-LTAB-043

Applicant
Ward 04

6874 Weaver Road

Karolina Lekarczyk d/b/a KL Rockford Sales Corp
Sale of package liquor with a gas station / convenience store and the sale of tobacco products with a gas station / convenience store in a C-3, General Commercial Zoning District

The subject property is located on the northeast corner of Paradise and North Rockton Avenue and is a gas station and convenience store. The property is being leased to a new corporation and they are requesting the sale of package liquor and tobacco products. Karolina Lekarczyk, Applicant, reviewed her request. She stated the company is willing to meet all recommendations and wished to point out that in Condition number 2, it states business hours were from 5:00 a.m. to 12:00 a.m. She wished to clarify that the business actually closed at 11 p.m. The Board explained to Ms. Lekarczyk that she was not required to remain open until 12:00, but would have that option should she chose to do so in the future.

Staff Recommendation is for Approval of both requests with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of package liquor with a gas station / convenience store and the sale of tobacco products with a gas station / convenience store in the name of Karolina LeKarczyk d/b/a KL Rockford Sales Corp in a C-3, General Commercial Zoning District at 6874 Weaver Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. The convenience store hours are limited to Monday-Sunday 5:00 a.m. to 12:00 a.m.
3. Inside signage cannot exceed more than 35% of the window surface.
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. There shall be no single servings of beer and wine in volumes of 40 oz. or less.
6. That the windows shall not be obstructed with bars or other devices that block the windows.

013-LTAB-044

Applicant
Ward 09

3135 North Rockton Avenue

Muhammad Masood Khalid. d/b/a Rockton Gas Inc.
Sale of tobacco products with a gas station / convenience store in a C-2, Limited
Commercial Zoning District

The subject property is located on the northeast corner of Paradise and North Rockton Avenue and is a gas station and convenience store. Because the business will have a new owner, a new application for tobacco license must be applied for. Muhammad Masood Khalid, and his wife, Tahseen Samina were present. Mr. Khalid reviewed his application for tobacco sales. He stated it is his intent to improve the property within a reasonably short period of time. They purchased the property "as is", and they are understanding of the amount of work that needs to be done. Ms. Samina further stated they have been in contact with two sign companies, they have cleaned up the property and will continue to do so. They are not the owners of the properties, they are leasing; however they stated they are investing \$30,000 in the property. It was further clarified that the top sign on the existing free-standing sign will be removed.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Cagnoni confirmed that Staff has seen some improvements take place and typically support tobacco sales; however, when doing a site inspection Staff wanted to be assured that the property would be cleaned up. Mr. Cagnoni stated Staff would be comfortable with approval with conditions with the understanding that the license would not be authorized until those conditions were satisfied. He listed recommended conditions of approval as:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes
3. Hours of operation and days shall be 5:00 AM to 11:00 PM Monday thru Sunday
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. Window display signage is limited to 35% of window area.
6. That the windows shall not be covered with bars or other devices that block the windows.
7. That the property is brought into general repair prior to the issuance of a tobacco license.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of tobacco products with a gas station / convenience store in the name of Mohammad Masood Khalid d/b/a Rockton Gas Inc. in a C-2, Limited Commercial Zoning District at 3135 North Rockton Avenue with added conditions by Staff. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes
3. Hours of operation and days shall be 5:00 AM to 11:00 PM Monday thru Sunday
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. Window display signage is limited to 35% of window area.
6. That the windows shall not be covered with bars or other devices that block the windows.
7. That the property is brought into general repair prior to the issuance of a tobacco license.

With no further business to come before the Board, the meeting was adjourned at 7: 15 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board